Remarks

1.   Summary of the Office Action

In the Office action mailed December 8, 2008, with claims 13, 17-25 and 28-33 pending, the Examiner rejected claims 13, 18-25 and 30-33 under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 6,748,439 (Monachello), and the Examiner rejected claims 17, 28, and 29 under 35 U.S.C. § 103(a) as being allegedly obvious over Monachello in view of U.S. Patent No. 6,339,761 (Cottingham).

2.   Status of the Claims

Pending are claims 13, 17-25 and 28-33, of which 13, 21 and 23 are independent and the remainder are dependent. No claims are amended in this response.

4.   Response to Examiner's § 103(a) Rejections under Monachello

The Examiner rejected claims 13, 18-25 and 30-33 under 35 U.S.C. § 103(a) as being allegedly obvious over Monachello. Of these claims, 13, 21 and 23 are independent. According to M.P.E.P. § 2142, to establish *prima facie* obviousness, an Examiner must clearly articulate reasoning with rational underpinnings to support the conclusion of obviousness. In rejecting Applicant's claims as being allegedly obvious over Monachello, the Examiner did not meet this burden, (i) because Monachello does not teach certain features that the Examiner relied on Monachello for allegedly teaching, and (ii) because the Examiner therefore did not establish why or how one of ordinary skill in the art would even arguably be led to modify the limited teachings of Monachello to achieve the invention recited in Applicant's claims.

At a minimum, Monachello does not teach the claim feature of receiving from the designated service provider an authentication response indicating successful authentication of the subscriber by the designated service provider, wherein the authentication response includes a service qualification that indicates at least one of (i) one or more types of services authorized for

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the subscriber and (ii) one or more extents of service authorized for the subscriber, wherein the service qualification specifies one or more types of communication and, for each specified type of communication, specifies whether the subscriber is allowed to engage in the specified type of communication. The Examiner asserted that Monachello teaches this feature at column 4, lines 25-31. However at most, the cited portion of Monachello teaches that an NSP authenticates the user for a pre-specified service, and that the NSP provides global address parameters to the central office (CO) to be given to the customer premises equipment (CPE), for use in network address translation.

Monachello teaches at column 4, lines 22-32, that a CO and CPE make provisioning changes based on the service selected by a user. However, it is clear from Monachello's teaching as a whole that the services of various network service providers are defined and maintained by the CO prior to the user's service selection. In particular, Monachello teaches at column 9, lines 23-26, that the CO maintains a database of services, and that the database is queried as connections are established. Monachello also teaches at column 4, lines 22-26, that when a user selects a service, the CO then directs the CPE to route traffic from that user via a virtual circuit to the CO, which the CO then correlates with a route to the corresponding service of the authorized NSP.

This teaching of Monachello clearly does not contain a disclosure of a positive authentication response that includes a service qualification that indicates at least one of (i) one or more types of services authorized for the subscriber and (ii) one or more extents of service authorized for the subscriber. Monachello merely discloses remote authentication performed by the NSP after a user is connected to a pre-selected service by a CPE and CO. Nowhere in the disclosure cited by the Examiner, or elsewhere, does Monachello teach the positive authentication response of the claimed invention.

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Also, Monachello fails to teach the claim feature of responsive to the authentication response, assigning the subscriber to operate in an IP subnet of the access network that is set aside for subscribers that have been authenticated by the designated service provider. The Examiner asserted that Monachello teaches establishing a virtual circuit between each CPE and the CO and that it would have been obvious to use a subnet as the virtual circuit. Monachello teaches at column 5, line 27 – column 6, line 13, that when a user selects a service, the user's workstation may be directed to use a global IP address assigned by the NSP, and the CPE may associate the user's workstation with a virtual circuit connection to the CO, which the CO correlates with the respective NSP. Such a tunnel from the CPE to the CO, however, clearly does not amount to a subnet. Furthermore, given that a global IP address is assigned by the NSP, no logical basis exists to conclude that the IP address assigned to the subscriber is on an IP subnet in the access network as recited in Applicant's claims.

Finally, Monachello fails to teach the claim feature wherein handling communications with the subscriber according to the logic set established for the designated layer comprises disallowing at least a predetermined type of communication from passing from the subscriber to outside of the access network. The Examiner asserted that Monachello teaches this feature at column 9, lines 30-50, and noted that "users can only connect to authorized services [and] a user cannot connect to a service unless the user is associated with that service." Consistent with the Examiner's assertion, Monachello teaches at column 9, lines 41-50, that "[a] subscriber connects to a service, or more accurately a subscriber connects to an authorized service" and that "no subscriber can connect to the service until it is attached or associated with a particular service."

However, Monachello's teaching of only allowing a user to connect to authorized services does not amount to a *handling of communications* by the access network as in the claimed feature. Monachello teaches simply not handling any user communications if the user

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is not authorized for connection to a service according to the CO, whereas in the claimed invention an access network handles communications and disallows a predetermined type of outbound communication. In short, Monachello does not teach disallowing a predetermined type of outbound communication; it merely teaches not connecting an unauthorized user to an NSP.

Because Monachello does not teach the above identified features that the Examiner relied on Monachello for allegedly teaching, and because the Examiner has therefore not established why or how one of ordinary skill in the art would be led achieve the invention recited in Applicant's claims, the Examiner has not established *prima face* obviousness of independent claims 13, 21, and 23 over Monachello. Consequently, Applicant submits that claims 13, 21, and 23 are allowable. Claims 17-20, 25 and 28–31 depend from claim 13, claims 22 and 32 depend from claim 21, and claims 24 and 33 depend from claim 23. Applicant therefore further submits that the dependent claims are allowable for at least the reason that they each depend from one of the allowable independent claims.

5. Conclusion

For the foregoing reasons, and without conceding any assertion by the Examiner that is not expressly addressed in this response, Applicant respectfully requests favorable reconsideration and allowance of the claims.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

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